

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Randall M. and Marilyn K. Betz,**  
Petitioners-Appellants,

**v.**

**Iowa County Board of Review,**  
Respondent-Appellee.

**ORDER**

**Docket No. 13-48-0005**  
**Parcel No. 0524-0404-0**

On October 18, 2013, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) (2013) and Iowa Administrative Code rules 701-71.21(1) et al. Appellants Randall M. and Marilyn K. Betz were self-represented and requested a written consideration. County Attorney Tim McMeen represented the Board of Review. The Appeal Board now, having examined the entire record and being fully advised, finds:

***Findings of Fact***

Randall and Marilyn Betz are the owners of property located in Hartford Township, Iowa County, Iowa. The Betz's property is 36.76 acres of agricultural land valued at \$79,230 for the January 1, 2013, assessment. There are no improvements.

The Betzes protested to the Board of Review claiming the property was inequitably assessed under Iowa Code section 441.37(1)(a)(1). The Board of Review denied the petition. The Betzes then appealed to this Board reasserting their claim. They assert the correct value of the property is \$59,230.

The Betzes listed five properties as equity comprables on their Board of Review protest form. The list included the properties' legal description, site size, and assessed value. In a letter attached to their appeal to this Board, the Betzes explained they are confused why these five properties have a valuation so much lower than their own. Specifically, they question the difference in the land value

per acre between the properties. We note, based on this statement, it appears the Betzes are comparing their property to the other properties on a per-acre basis. However, this is not how agricultural land is valued. In Iowa, agricultural values are determined on the basis of productivity and net earning capacity.

The Board of Review provided additional information about the properties the Betzes considered as comparables (Exhibit C).

Parcel	Legal Description	Total Acres	CSR	Avg CSR	2013 Value
Subject	SE SE 24-80-12	36.76	2330.4	63.39	\$79,230
Comparable 1	35A NWSE 24-80-12	35	1027.7	29.36	\$34,940
Comparable 2	N30A NESE 24-80-12	28.65	793.4	27.69	\$26,975
Comparable 3	SE NE (Ex 5A...) 24-80-12	34.17	1627.5	47.63	\$55,335
Comparable 4	SE NW FL 30-80-11	40	1135.1	28.38	\$38,590
Comparable 5	NW FL 30-80-11	47.77	1526.1	31.94	\$51,887

Iowa County Assessor Linda Griggs notes the Betzes listed the 2012 value for Comparables #3, #4, and #5 on their form. The chart correctly lists the total 2013 values for each of the properties. The productivity formula is based, in part, on the Corn Suitability Rating (CSR rating) of the soil. In Exhibit C, Griggs explains how the value-per-CSR was determined for the county.

First, Griggs notes the agricultural land valuations for 2013 were calculated using the Department of Revenue's agricultural productivity value of \$1909.57 per acre. Then the following formula was applied to determine the value of the CSR.

County Acres 342,502.47 x Productivity per acres \$1909.75 = Total Value \$654,032,442  
 Total Value \$654,032,442 – Structures \$32,318,970 = Land Value \$621,713,472  
 Land Value \$621,713,472 / CSR Points 18,461,396.39 = \$33.67 per CSR (rounded to \$34.00)

Because the subject property has a higher CSR than the other sites, its total value is higher. The subject's value is determined as follows:

Total CSR points 2330.4 X \$34 per CSR = \$79,233 rounded to \$79,230

The Betzes also provided a conservation plan map with their petition to this Board. The Betz's assert this map identifies that a majority of the pasture "is rated at a 14-18% slope and moderately eroded." We note slope and erosion factors are considered in the CSR soil rating, which is also identified in the Soils Inventory Report that the Betz's provided with their appeal.

Lastly, the Betz's did not make any assertions that the assessor did not apply an assessing method uniformly to similarly situated or comparable properties.

### ***Conclusion of Law***

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. This Board is an agency and the provisions of the Administrative Procedure Act apply. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). New or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the

property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shivers*, 257 Iowa 575, 133 N.W.2d 709 (Iowa 1965). The six criteria include evidence showing

“(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those properties, (3) the actual value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the actual valuations of the similar and comparable properties, thus creating a discrimination.”


*Id.* at 579-580. The *Maxwell* test provides that inequity exists when, after considering the actual and assessed values of comparable properties, the subject property is assessed at a higher proportion of this actual value. *Id.* The *Maxwell* test may have limited applicability now that current Iowa law requires assessments to be at one hundred percent of market value. § 441.21(1). Nevertheless, in some rare instances, the test may be satisfied.

When assessing agricultural property in Iowa, the actual value is determined “on the basis of productivity and net earing capacity of the property.” § 441.21(1)(e). The process for implementing this method of valuation is found in Iowa Administrative Code rule 701-71.21.12(1). The Assessor fairly described this method in Exhibit C.

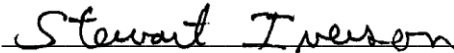
The Betzes’ evidence did not establish inequity in the assessment under either test; and it appears the Assessor uniformly applied the formula for valuing agricultural land. For these reasons, we find the Betz’s have failed to provide sufficient evidence to support a claim that their property was inequitably assessed.

THE APPEAL BOARD ORDERS the assessment of the Randall M. and Marilyn K. Betz property located in Hartford Township, Iowa County, Iowa, as set by the Iowa County Board of Review is affirmed.

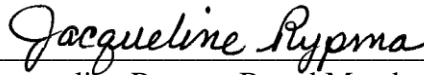
Dated this 7th day of November 2013.



Karen Oberman, Presiding Officer



Stewart Iverson, Board Chair



Jacqueline Rypma, Board Member

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APPELLANT

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Certificate of Service

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on November 7, 2013.

By: ☒ U.S. Mail ☐ FAX  
☐ Hand Delivered ☐ Overnight Courier  
☐ Certified Mail ☐ Other

Signature \_\_\_\_\_

